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EMPLOYEES

Part 3

§ 5312. Positions at level I

Level I of the Executive Schedule applies to the following positions for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Secretary of State.
- Secretary of the Treasury.
- Secretary of Defense.
- Attorney General.
- Secretary of the Interior.
- Secretary of Agriculture.
- Secretary of Commerce.
- Secretary of Labor.
- Secretary of Health and Human Services.
- Secretary of Housing and Urban Development.
- Secretary of Transportation.
- Special Representative for Trade Negotiations.
- Secretary of Energy.
- Secretary of Education.

Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 460; Pub.L. 89-670, § 10(d)(1), Oct. 15, 1966, 80 Stat. 948; Pub.L. 91-375, § 6(c)(12), Aug. 12, 1970, 84 Stat. 776; Pub.L. 93-618, Title I, § 141(b)(3)(A), Jan. 3, 1975, 88 Stat. 1999; Pub.L. 94-82, Title II, § 202(b)(1), Aug. 9, 1975, 89 Stat. 419; Pub.L. 95-91, Title VII, § 710(c), Aug. 4, 1977, 91 Stat. 609; Pub.L. 96-54, § 2(a)(25)(A), Aug. 14, 1979, 93 Stat. 382; Pub.L. 96-88, Title V, § 508(c), (g), Oct. 17, 1979, 93 Stat. 692.

1979 INCREASES IN SALARIES

Salaries of positions at Level I increased to \$74,500 per annum, effective in the first pay period beginning on or after Oct. 1, 1979, see Ex.Ord.No.12165, Oct. 9, 1979, 44 F.R. 58671, set out as a note under section 5332 of this title. Ex.Ord.No.12165, further provided that on Oct. 1, 1979 the limitation in Schedule 5 of Ex.Ord.No.12087, Oct. 7, 1978, changed and for the period Oct. 1, 1979 to the start of the first applicable pay period in fiscal 1980 the following rate of pay, \$69,600, was payable.

1978 INCREASES IN SALARIES

Salaries of positions at Level I increased to \$69,600 per annum, effective in the first pay period beginning on or after Oct. 1, 1978, see Ex.Ord.No.12087, Oct. 7, 1978, 43 F.R. 46823, set out as a note under section 5332 of this title. Ex.Ord.No.12087, further provided that pursuant to the Legislative Branch Appropriation Act, 1979, funds are not available to pay a salary at a rate of

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PAY RATES AND SYSTEMS

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FIRST COMPARABILITY PAY ADJUSTMENT AFTER JULY 11, 1977,
IN ANNUAL RATE OF PAY FOR POSITIONS IN
EXECUTIVE SCHEDULE NOT TO TAKE EFFECT

The first adjustment which, but for the enactment of Pub.L. 95-66, would have been made in the annual rate of pay for positions in the Executive Schedule under section 5318 of this title after July 11, 1977, not to take effect, see section 1(4) of Pub.L. 95-66, set out as a note under section 5318 of this title.

1977 INCREASES IN SALARIES

Salaries of positions at Level I increased to \$66,000 per annum, upon recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1976 INCREASES IN SALARIES

Salaries of positions at Level I increased to \$66,000 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1976, by Ex.Ord.No.11941, Oct. 1, 1976, 41 F.R. 43889. Ex.Ord.No.11941, further provided that pursuant to the Legislative Branch Appropriation Act, 1977, funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1976, which was \$63,000.

1975 INCREASES IN SALARIES

Salaries of positions at Level I increased to \$63,000 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1975, by Ex.Ord.No.11883, Oct. 6, 1975, 40 F.R. 47091.

1969 INCREASES IN SALARIES

Salaries of positions at Level I increased from \$35,000 to \$60,000 per annum, commencing on the first day of the pay period which begins after February 14, 1969, upon recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

Historical and Revision Notes

Derivation:	United States Code	Revised Statutes and Statutes at Large
	5 U.S.C. 2211(a)	Aug. 14, 1964, Pub.L. 88-426, § 303(a), 78 Stat. 416.

Explanatory Notes

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Codification. Numbered designations for the position added by Pub.L. 96-88 have been omitted in view of the deletion of all numbered designations in this section by Pub.L. 96-54.

1979 Amendments. Pub.L. 96-88, §

Pub.L. 96-88, § 508(g), substituted "Health and Human Services" for "Health, Education, and Welfare" in item relating to the Secretary of Health and Human Services.

Pub.L. 96-54 struck out paragraph designations (1) to (14) for the positions listed.

1977 Amendment. Par. (14). Pub.L. 95-91 added par. (14).

1975 Amendments. Pub.L. 94-82 substituted provisions applying level I of the

President may authorize the exercise by this section by the Office of Personnel individuals not subject to the provisions in the competitive service, by such

for text of (b) to (d)]

II, § 2314(c)(2), Oct. 17, 1980, 94

Savings Provisions. All actions made, issued, undertaken, entered into, or taken under the authority of any law repealed, modified or affected by the Foreign Services Act of 1980, Pub.L. 96-465, Oct. 17, 1980, 94 Stat. 2071, to continue in full force and effect until modified, revoked, or superseded by appropriate authority, see section 4172 of Title 22, Foreign Relations and Intercourse.

Legislative History. For legislative history and purpose of Pub.L. 96-465, see 1980 U. S. Code Cong. and Adm. News, p. 4419.

and regulations

ulations of the agencies and the Office respect to this subchapter, subchapter III of title, the Foreign Service Act of 1980, of title 38 relating to employees in the Veterans' Administration, are subchapter as the President may prescribe. and regulations of the President may

for text of (1) to (5)]

II, § 2314(c)(3), Oct. 17, 1980, 94

set out as a note under section 8901 of Title 22, Foreign Relations and Intercourse.

Savings Provisions. All actions made, issued, undertaken, entered into, or taken under the authority of any law repealed, modified or affected by the Foreign Services Act of 1980, Pub.L. 96-465, Oct. 17, 1980, 94 Stat. 2071, to continue in full force and effect until modified, revoked, or superseded by appropriate authority, see section 4172 of Title 22, Foreign Relations and Intercourse.

Legislative History. For legislative history and purpose of Pub.L. 96-465, see 1980 U. S. Code Cong. and Adm. News, p. 4419.

and adjustments

"(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect on the first day of the first applicable pay period commencing on or after October 1 of such fiscal year."

Percentage Limitation on Adjustment of Rates of Pay. Pub.L. 97-35, Title XVII, § 1701(a), Aug. 13, 1981, 95 Stat. 753, provided that: "(a) Notwithstanding any other provision of law, the overall percentage of the adjustment of the rates of pay under the General Schedule or any other statutory pay system under section 5305 of title 5, United States Code [this section], which is to become effective with the first applicable pay period commencing on or after October 1, 1981, shall not exceed 4.8 percent."

(a) Notwithstanding sections 1341, 1342, and 1349-1351 and subchapter II of chapter 15 of title 31—

[See main volume for text of (1) and (2)]

may be adjusted, by the appropriate authority concerned, effective at the beginning of the first applicable pay period commencing on or after the day on which a pay adjustment becomes effective under section 5305 of this title, by whichever of the following methods the appropriate authority concerned considers appropriate—

[See main volume for text of (i) to (iii); (b) to (d)]

As amended Pub.L. 97-258, § 3(a)(10), Sept. 13, 1982, 96 Stat. 1063.

1982 Amendment. Subsec. (a). Pub.L. 97-258, § 3(a)(10), substituted "sections 1341, 1342, and 1349-1351 and subchapter II of chapter 15" for "section 665".

Legislative History. For legislative history and purpose of Pub.L. 97-258, see 1982 U.S. Code Cong. and Adm. News, p. 1895.

§ 5308. Pay limitation

1. Applicability of section

Limitation of this section is not applicable to payments for credit hours. 1981, 60 Comp.Gen. 623.

§ 5311. The Executive Schedule

Plan for Authorizing Executive Level Positions in Executive Branch; Presidential Submission to Congress. Section 414(b)(2) of Pub.L. 95-454 required the President to transmit by Jan. 1, 1980, a plan to Congress for authorizing execu-

tive level positions in the executive branch.

Legislative History. For legislative history and purpose of Pub.L. 95-454, see 1979 U. S. Code Cong. and Adm. News, p. 931.

§ 5312. Positions at level I

Level I of the Executive Schedule applies to the following positions for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

[See main volume for text of preceding positions]

United States Trade Representative.

[See main volume for text of following positions]

As amended Pub.L. 97-456, § 3(d)(5), Jan. 12, 1983, 96 Stat. 2505.

Repeals. Pub.L. 93-618, Title I, § 141(b)(3)(A), Jan. 8, 1975, 88 Stat. 1999, set out in the credit of this section, was repealed by Pub.L. 97-456, § 3(d)(1), Jan. 12, 1983, 96 Stat. 2505.

1982 Increases in Salaries. Salaries of positions at Level I increased to \$88,600 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1982, as provided by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, set out as a note under section 5332 of this title. Ex. Ord. No. 12387 further provided that pursuant to section 101(c) of Pub.L. 97-276 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1982, which was \$69,630.00.

Limitation on the use of funds appropriated or authority made available for the period Oct. 1, 1982, through Sept. 30, 1983, by any Act to pay the salary or pay of any individual in an office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate equal to or greater than Level V of the Executive Schedule, see section 806(a), (b), and (d) of 82 Stat. 919, Ninety-seventh Congress, 2nd Session, as reported Sept. 22, 1982, which was incorporated by reference in Pub.L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted

into law, and which is set out as a note under section 5318 of this title.

1981 Increases in Salaries. Salaries of positions at Level I increased to \$85,200 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1981, as provided by Ex. Ord. No. 12330, Oct. 13, 1981, 46 F.R. 50921, set out as a note under section 5332 of this title. Ex. Ord. No. 12330 further provided that pursuant to section 101(c) of Pub.L. 97-51 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1981, which was \$69,630.00.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see sections 101(g) and 141 of Pub.L. 97-92, set out as a note under section 5318 of this title.

1980 Increases in Salaries. Salaries of positions at Level I increased to \$81,800 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1980, as provided by Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199. Ex. Ord. No. 12248, further provided that pursuant to section 101(c) of Pub.L. 96-369, funds are not available to pay a sal-

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ary at a rate which exceeds the rate in effect on Sept. 30, 1980, which was \$69,630.

Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 101(c) of Pub.L. 96-536, as amended, set out as a note under section 5318 of this title.

1979 Increases in Salaries. Salaries of positions at Level I increased to \$74,500 per annum, effective on the first day of the pay period beginning on or after Oct. 1, 1979, as provided by Ex. Ord. No. 12185, Oct. 9, 1979, 44 F.R. 58871, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443. Ex. Ord. No. 12185 further provided that pursuant to section 101(c) of Pub.L. 96-86 funds appropriated for fiscal year 1980 may not be used to pay a salary at a rate which exceeds an increase of 5.5 percent over the rate in effect on Sept. 30, 1978, which is a maximum rate payable of \$69,630.

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Deputy Secretary of Defense.
- Deputy Secretary of State.
- Administrator, Agency for International Development.
- Administrator of the National Aeronautics and Space Administration.
- Administrator of Veterans' Affairs.
- Deputy Secretary of the Treasury.
- Deputy Secretary of Transportation.
- Chairman, Nuclear Regulatory Commission.
- Chairman, Council of Economic Advisers.
- Chairman, Board of Governors of the Federal Reserve System.
- Director of the Bureau of the Budget.
- Director of the Office of Science and Technology.
- Director of the United States Arms Control and Disarmament Agency.
- Director of the United States Information Agency.
- Director of Central Intelligence.
- Secretary of the Air Force.
- Secretary of the Army.
- Secretary of the Navy.
- Administrator, Federal Aviation Administration.
- Director of the National Science Foundation.
- Deputy Attorney General.
- Deputy Secretary of Energy.
- Deputy Secretary of Agriculture.
- Director of the Office of Personnel Management.
- Ambassadors at Large.
- Administrator, Federal Highway Administration.

As amended Pub.L. 96-465, Title II, § 2302, Oct. 17, 1980, 94 Stat. 2164; Pub.L. 97-449, § 3(1), Jan. 12, 1983, 96 Stat. 2441.

1980 Amendment. Pub.L. 96-465 added item relating to Ambassadors at Large. **Effective Date of 1980 Amendment.** Amendment by Pub.L. Feb. 15, 1981, except as provided, see section 2403 of Pub.L. 96-465, set out as a note under section 3901 of Title 22, Foreign Relations and International Organizations.

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Repeals. Section 16(c) of Pub.L. 93-496, set out in the credit of this section, was repealed by Pub.L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

1982 Increases in Salaries. Salaries of positions at Level II increased to \$77,300 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1982, as provided by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, set out as a note under section 5332 of this title. Ex. Ord. No. 12387 further provided that pursuant to section 101(e) of Pub.L. 97-276 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1982, which was \$60,662.50.

Limitation on the use of funds appropriated or authority made available for the period Oct. 1, 1982, through Sept. 30, 1983, by any Act to pay the salary or pay of any individual in an office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate equal to or greater than Level V of the Executive Schedule, see section 306(a), (b), and (d) of S.2939, Ninety-seventh Congress, 2nd Session, as reported Sept. 22, 1982, which was incorporated by reference in Pub.L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law, and which is set out as a note under section 5318 of this title.

1981 Increases in Salaries. Salaries of positions at Level II increased to \$74,300 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1981, as provided by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, set out as a note under section 5332 of this title. Ex. Ord. No. 12330 further provided that pursuant to section 101(c) of Pub.L. 97-51 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1981, which was \$60,662.50.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see sections 101(g) and 141 of Pub.L. 97-92 set out as a note under section 5318 of this title.

1980 Increases in Salaries. Salaries of positions at Level II increased to \$70,900

per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1980, No. 12248, Oct. 1, 1980, set out as a note under section 5332 of this title. Ex. Ord. No. 12248 further provided that pursuant to Pub.L. 96-360, pay a salary at a rate in effect on Sept. 30, 1980, which was \$60,662.50.

Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in an office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate equal to or greater than Level V of the Executive Schedule, see section 306(a), (b), and (d) of S.2939, Ninety-seventh Congress, 2nd Session, as reported Sept. 22, 1982, which was incorporated by reference in Pub.L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law, and which is set out as a note under section 5318 of this title.

1979 Increases in Salaries. Salaries of positions at Level I increased to \$74,500 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1979, as provided by Ex. Ord. No. 12185, Oct. 9, 1979, 44 F.R. 58871, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443. Ex. Ord. No. 12185 further provided that pursuant to section 101(c) of Pub.L. 96-86 funds appropriated for fiscal year 1980 may not be used to pay a salary at a rate which exceeds an increase of 5.5 percent over the rate in effect on Sept. 30, 1978, which is a maximum rate payable of \$69,630.

1981 Increases in Salaries. Salaries of positions at Level II increased to \$74,300 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1981, as provided by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, set out as a note under section 5332 of this title. Ex. Ord. No. 12330 further provided that pursuant to section 101(c) of Pub.L. 97-51 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1981, which was \$60,662.50.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see sections 101(g) and 141 of Pub.L. 97-92 set out as a note under section 5318 of this title.

§ 5314. Positions at level III

Level III of the Executive Schedule applies to for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

- Solicitor General of the United States.
- Under Secretary of Commerce, Under Secretary of Economic Affairs, and Under Secretary of Commerce.
- Under Secretary of Education.
- Under Secretary of Health and Human Services.
- Under Secretary of the Interior.
- Under Secretary of Labor.

- Under Secretary of State for Political Affairs.
- Under Secretary of State for Economic Affairs and an Under Secretary of State for Coordinating Security Assistance Programs and State for Management.

- Under Secretary of the Treasury (or Counselor to the President).
- Under Secretary of the Treasury for Monetary and Fiscal Services.

1980 Amendment. Pub.L. 96-465 added item relating to Ambassadors at Large. **Effective Date of 1980 Amendment.** Amendment by Pub.L. Feb. 15, 1981, except as provided, see section 2403 of Pub.L. 96-465, set out as a note under section 3901 of Title 22, Foreign Relations and International Organizations.

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applicability to funds appropriated by Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 96-391 on use of funds to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 101(c) of Pub. L. 96-86, set out as a note under section 5318 of this title.

Compensation and Emoluments of Secretary of State; Fixing at level in Effect January 1, 1977. Pub. L. 96-241, § 1, Jan. 3, 1980, 94 Stat. 343, limited the compensation and other emoluments attached to the office of Secretary of State to be in effect Jan. 1, 1977, during the period beginning May 3, 1980, and ending the date on which the first individual appointed to that office after May 3, 1980, ceases to hold that office.

Legislative History. For legislative history and purpose of Pub. L. 96-54, see U. S. Code Cong. and Adm. News, p. 1514. See, also, Pub. L. 96-88, 1979 U. S. Code Cong. and Adm. News, p. 1514; Pub. L. 97-456, 1982 U.S. Code Cong. and Adm. News, p. —.

Applies to the following positions, shall be the rate determined with respect to that office after May 3, 1980, ceases to hold that office.

Additional Development.

Aeronautics and Space Administration.

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Commission.

Advisers.

the Federal Reserve System.

get.

and Technology.

Control and Disarmament Agency.

Information Agency.

Administration.

Foundation.

Management.

Administration.

802, Oct. 17, 1980, 94 Stat. 2164;

Stat. 2441.

ed, see section 2403 of Pub. L. 96-465, set out as a note under section 3901 of title 22, Foreign Relations and International Trade.

Repeals. Section 16(c) of Pub. L. 93-496, set out in the credit of this section, was repealed by Pub. L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444.

1982 Increases in Salaries. Salaries of positions at Level II increased to \$77,300 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1982, as provided by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, set out as a note under section 5332 of this title. Ex. Ord. No. 12387 further provided that pursuant to section 101(e) of Pub. L. 97-276 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1982, which was \$60,662.50.

Limitation on the use of funds appropriated or authority made available for the period Oct. 1, 1982, through Sept. 30, 1983, by any Act to pay the salary or pay of any individual in an office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate equal to or greater than Level V of the Executive Schedule, see section 306(a), (b), and (d) of S. 2839, Ninety-seventh Congress, 2nd Session, as reported Sept. 22, 1982, which was incorporated by reference in Pub. L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law, and which is set out as a note under section 5318 of this title.

1981 Increases in Salaries. Salaries of positions at Level II increased to \$74,300 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1981, as provided by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, set out as a note under section 5332 of this title. Ex. Ord. No. 12330 further provided that pursuant to section 101(c) of Pub. L. 97-51 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1981, which was \$60,662.50.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see sections 101(g) and 141 of Pub. L. 97-92 set out as a note under section 5318 of this title.

1980 Increases in Salaries. Salaries of positions at Level II increased to \$70,900

per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1980, as provided by Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, set out as a note under section 5332 of this title. Ex. Ord. No. 12248, further provided that pursuant to section 101(c) of Pub. L. 96-369, funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1980, which was \$60,662.50.

Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 101(c) of Pub. L. 96-436, as amended, set out as a note under section 5318 of this title.

1979 Increases in Salaries. Salaries of positions at Level II increased to \$65,000 per annum, effective on the first day of the first pay period beginning on or after Oct. 1, 1979, as provided by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443. Ex. Ord. No. 12165 further provided that pursuant to section 101(c) of Pub. L. 96-86 funds appropriated for fiscal year 1980 may not be used to pay a salary at a rate which exceeds an increase of 5.5 percent over the rate in effect on Sept. 30, 1978, which is a maximum rate payable of \$60,662.50.

Applicability to funds appropriated by any Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 95-391 on use of funds to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 101(c) of Pub. L. 96-86, set out as a note under section 5318 of this title.

Legislative History. For legislative history and purpose of Pub. L. 96-54, see 1979 U. S. Code Cong. and Adm. News, p. 931. See, also, Pub. L. 96-465, 1980 U. S. Code Cong. and Adm. News, p. 4419; Pub. L. 97-449, 1982 U.S. Code Cong. and Adm. News, p. —.

Cross References

Annual rate of basic pay of Comptroller General equal to rate for level II, see section 703 of Title 31, Money and Finance.

§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, and Under Secretary of Commerce for Travel and Tourism.

Under Secretary of Education.

Under Secretary of Health and Human Services.

Under Secretary of the Interior.

Under Secretary of Labor.

Under Secretary of State for Political Affairs and Under Secretary of State for Economic Affairs and an Under Secretary of State for Coordinating Security Assistance Programs and Under Secretary of State for Management.

Under Secretary of the Treasury (or Counselor).

Under Secretary of the Treasury for Monetary Affairs.

Administrator of General Services.

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Administrator of the Small Business Administration.
 Deputy Administrator of Veterans' Affairs.
 Deputy Administrator, Agency for International Development.
 Chairman, Civil Aeronautics Board.
 Chairman of the Merit Systems Protection Board.
 Chairman, Federal Communications Commission.
 Chairman, Board of Directors, Federal Deposit Insurance Corporation.
 Chairman of the Federal Home Loan Bank Board.
 Chairman, Federal Energy Regulatory Commission.
 Chairman, Federal Trade Commission.
 Chairman, Interstate Commerce Commission.
 Chairman, National Labor Relations Board.
 Chairman, Securities and Exchange Commission.
 Chairman, Board of Directors of the Tennessee Valley Authority.
 Chairman, National Mediation Board.
 Chairman, Railroad Retirement Board.
 Chairman, Federal Maritime Commission.
 Comptroller of the Currency.
 Commissioner of Internal Revenue.
 Under Secretaries of Defense (2).
 Deputy Administrator of the National Aeronautics and Space Administration.
 Deputy Director of the Bureau of the Budget.
 Deputy Director of Central Intelligence.
 Director of the Office of Emergency Planning.
 Director of the Peace Corps.
 Deputy Director, National Science Foundation.
 President of the Export-Import Bank of Washington.
 Members, Nuclear Regulatory Commission.
 Members, Board of Governors of the Federal Reserve System.
 Director of the Federal Bureau of Investigation, Department of Justice.
 Administrator of the National Highway Traffic Safety Administration.
 Administrator, Federal Railroad Administration.
 Chairman, National Transportation Safety Board.
 Chairman of the National Endowment for the Arts the incumbent of which also serves as Chairman of the National Council on the Arts.
 Chairman of the National Endowment for the Humanities.
 Director of the Federal Mediation and Conciliation Service.
 Under Secretary of Housing and Urban Development.
 Urban Mass Transportation Administrator.
 President, Overseas Private Investment Corporation.
 Chairman, Postal Rate Commission.
 Chairman, Occupational Safety and Health Review Commission.
 Governor of the Farm Credit Administration.
 Chairman, Equal Employment Opportunity Commission.
 Chairman, Consumer Product Safety Commission.
 Under Secretary, Department of Energy.
 Chairman, Commodity Futures Trading Commission.
 Deputy United States Trade Representatives (3).
 Chairman, United States International Trade Commission.
 Administrator, National Oceanic and Atmospheric Administration.
 Associate Attorney General.
 Chairman, Federal Mine Safety and Health Review Commission.
 Chairman, National Credit Union Administration Board.
 Deputy Director of the Office of Personnel Management.

GOVERNMENT OR

Director, Institute for Scientific
 Director, Office of Justice Assist
 Under Secretary of Agriculture
 Development.

Administrator, Maritime Admini
 Executive Director Property Rev

As amended Pub.L. 90-351, Title I, § 8
 Dec. 27, 1979, 93 Stat. 1204; Pub.L. 9
 Stat. 1173, and amended Pub.L. 97-31
 Stat. 153; Pub.L. 97-63, § 4(a)(4), Oc
 97-195, § 1(b)(1), June 16, 1982, 96
 I, § 123, Dec. 21, 1982, 96 Stat. 1913;
 1983, 96 Stat. 2441; Pub.L. 97-456, §
 2506.

Codification. Pub.L. 92-255, Title II, §
 209(a), as added Pub.L. 94-237, § 4(b),
 Mar. 19, 1976, 90 Stat. 243, which had
 added the item for Director of the Office
 of Drug Abuse Policy and which is set
 out in the credit of this section, was
 omitted in the complete revision of Title
 II of Pub.L. 92-255 by Pub.L. 96-181,
 § 4, Jan. 2, 1980, 93 Stat. 1309, under
 which the former Office of Drug Abuse
 Policy was abolished. Pursuant to that
 revision, the item relating to the Director
 of the Office of Drug Abuse Policy has
 been omitted.

1983 Amendment. Pub.L. 97-195 sub-
 stituted "Under Secretary of Commerce,
 Under Secretary of Commerce for Eco-
 nomic Affairs, and Under Secretary of
 Commerce for Travel and Tourism" for
 "Under Secretary of Commerce and Under
 Secretary of Commerce for Travel and
 Tourism".

1981 Amendments. Pub.L. 97-63 substi-
 tuted "Under Secretary of Commerce and
 Under Secretary of Commerce for Travel
 and Tourism" for "Under Secretary of
 Commerce".

Pub.L. 97-31 added item relating to
 Administrator, Maritime Administration.

1990 Amendment. Pub.L. 96-355 added
 item relating to Under Secretary of Agri-
 culture for Small Community and Rural
 Development.

1979 Amendment. Pub.L. 90-351, § 808,
 as added by Pub.L. 96-157, added item
 relating to Director, Office of Justice
 Assistance, Research, and Statistics, and
 struck out item relating to Administrator
 of Law Enforcement Assistance.

Effective Date of 1981 Amendment.
 Amendment by Pub.L. 97-63 effective Oct.
 1, 1981, see section 6 of Pub.L. 97-63, set
 out as a note under section 2121 of Title
 22, Foreign Relations and Intercourse.

Effective Date of 1990 Amendment.
 Amendment by Pub.L. 96-355 effective
 Oct. 1, 1990, see section 10 of Pub.L. 96-
 355, set out as a note under section 2204b
 of Title 7, Agriculture.

Repeals. Pub.L. 93-618, Title I, §
 141(b)(3)(B), Jan. 3, 1975, 88 Stat. 1999,
 set out in the credit of this section, was
 repealed by Pub.L. 97-456, § 3(d)(1), Jan.
 12, 1983, 96 Stat. 2506.

1983 Increases in Salaries. Salaries of
 positions at Level III increased to \$70,500
 per annum, effective on the first day of
 the first pay period beginning on or after
 Oct. 1, 1982, as provided by Ex. Ord.
 No. 12387, Oct. 8, 1982, 47 F.R. 44981, set
 out as a note under section 5332 of this
 title. Ex. Ord. No. 12387 further pro-
 vided that pursuant to section 101(e) of
 Pub.L. 97-276 funds are not available to
 pay a salary at a rate which exceeds the
 rate in effect on Sept. 30, 1982, which was

Business Administration.
 Internal Affairs.
 International Development.
 Board.
 Protection Board.
 Commissions Commission.
 Federal Deposit Insurance Cor-
 poration.
 Loan Bank Board.
 Regulatory Commission.
 Commission.
 Commissions Board.
 Range Commission.
 Tennessee Valley Authority.
 Board.
 Board.
 Commission.
 Commission.
 National Aeronautics and Space
 Administration.
 the Budget.
 Intelligence.
 Planning.
 Foundation.
 Bank of Washington.
 Commission.
 Federal Reserve System.
 Department of
 Investigation, Department of
 Justice.
 Highway Traffic Safety Admin-
 istration.
 Safety Board.
 Department for the Arts the Incum-
 ber of the National Council on the
 Arts.
 Department for the Humanities.
 Conciliation Service.
 Urban Development.
 Administrator.
 Investment Corporation.
 Commission.
 and Health Review Commission.
 Administration.
 Opportunity Commission.
 Safety Commission.
 Energy.
 Trading Commission.
 Representatives (3).
 National Trade Commission.
 and Atmospheric Administration.
 and Health Review Commission.
 Administration Board.
 Personnel Management.
 International Affairs and Com-

Director, Institute for Scientific and Technological Cooperation.
 Director, Office of Justice Assistance, Research, and Statistics.
 Under Secretary of Agriculture for Small Community and Rural
 Development.
 Administrator, Maritime Administration.
 Executive Director Property Review Board.
 As amended Pub.L. 90-351, Title I, § 808, as added Pub.L. 96-157, § 2,
 Dec. 27, 1979, 93 Stat. 1204; Pub.L. 96-355, § 3(b), Sept. 24, 1980, 94
 Stat. 1173, and amended Pub.L. 97-31, § 12(1)(A), Aug. 6, 1981, 95
 Stat. 153; Pub.L. 97-63, § 4(a)(4), Oct. 16, 1981, 95 Stat. 1014; Pub.L.
 97-195, § 1(b)(1), June 16, 1982, 96 Stat. 115; Pub.L. 97-377, Title
 I, § 123, Dec. 21, 1982, 96 Stat. 1913; Pub.L. 97-449, § 3(2), Jan. 12,
 1983, 96 Stat. 2441; Pub.L. 97-456, § 3(d)(6), Jan. 12, 1983, 96 Stat.
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 Repeals. Pub.L. 93-618, Title I, §
 141(b)(3)(B), Jan. 3, 1975, 88 Stat. 1999,
 set out in the credit of this section, was
 repealed by Pub.L. 97-456, § 3(d)(1), Jan.
 12, 1983, 96 Stat. 2505.
 1982 Increases in Salaries. Salaries of
 positions at Level III increased to \$70,500
 per annum, effective on the first day of
 the first pay period beginning on or after
 Oct. 1, 1982, as provided by Ex. Ord.
 No. 12387, Oct. 8, 1982, 47 F.R. 44981, set
 out as a note under section 5332 of this
 title. Ex. Ord. No. 12387 further pro-
 vided that pursuant to section 101(e) of
 Pub.L. 97-276 funds are not available to
 pay a salary at a rate which exceeds the
 rate in effect on Sept. 30, 1982, which was
 \$59,500.00.
 Limitation on the use of funds appro-
 priated or authority made available for
 the period Oct. 1, 1982, through Sept. 30,
 1983, by any Act to pay the salary or
 pay of any individual in an office or po-
 sition in the legislative, executive, or ju-
 dicial branch, or in the government of
 the District of Columbia, at a rate equal
 to or greater than Level V of the Execu-
 tive Schedule, see section 303(a), (b), and
 (d) of S.2939, Ninety-seventh Congress,
 2nd Session, as reported Sept. 22, 1982,
 which was incorporated by reference in
 Pub.L. 97-276, § 101(e), Oct. 2, 1982, 96
 Stat. 1189, to be effective as if enacted
 into law, and which is set out as a note
 under section 5318 of this title.
 1981 Increases in Salaries. Salaries of
 positions at Level III increased to \$67,800
 per annum, effective on the first day of
 the first pay period beginning on or after
 Oct. 1, 1981, as provided by Ex. Ord.
 No. 12330, Oct. 15, 1981, 46 F.R. 50921, set
 out as a note under section 5332 of this
 title. Ex. Ord. No. 12330 further pro-
 vided that pursuant to section 101(c) of
 Pub.L. 97-51 funds are not available to
 pay a salary at a rate which exceeds the
 rate in effect on Sept. 30, 1981, which was
 \$55,387.50.
 Limitations on use of funds for fiscal
 year ending Sept. 30, 1982, appropriated
 by any Act to pay the salary or pay of
 any individual in legislative, executive, or
 judicial branch in position equal to or
 above Level V of the Executive Schedule,
 see sections 101(g) and 141 of Pub.L.
 97-92, set out as a note under section
 5318 of this title.
 1980 Increases in Salaries. Salaries of
 positions at Level III increased to \$64,700
 per annum, effective on the first day of
 the first pay period beginning on or after
 Oct. 1, 1980, as provided by Ex. Ord.
 No. 12248, Oct. 16, 1980, 45 F.R. 69199, set
 out as a note under section 5332 of this
 title. Ex. Ord. No. 12248, further pro-
 vided that pursuant to section 101(c) of
 Pub.L. 96-369, funds are not available to
 pay a salary at a rate which exceeds the
 rate in effect on Sept. 30, 1980, which was
 \$55,387.50.
 Limitations on use of funds for fiscal
 year ending Sept. 30, 1981, appropriated
 by an Act to pay the salary or pay of
 any individual in legislative, executive, or
 judicial branch in position equal to or
 above Level V of the Executive Schedule,
 see section 101(c) of Pub.L. 96-536, as
 amended, set out as a note under section
 5318 of this title.
 1979 Increases in Salaries. Salaries of
 positions at Level III increased to \$59,800
 per annum, effective on the first day of
 the first pay period beginning on or after
 Oct. 1, 1979, as provided by Ex. Ord.
 No. 12165, Oct. 9, 1979, 44 F.R. 58671, as
 amended by Ex. Ord. No. 12200, Mar. 12,
 1980, 45 F.R. 16443. Ex. Ord. No. 12165
 further provided that pursuant to section
 101(c) of Pub.L. 96-86 funds appropriated

Page Denied

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